



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

APR 06 2002

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Applicant(s): Donoho *et al.*

Application No.: 09/691,344

Group Art Unit: 1653

Filed: 10/18/00

Examiner: Rita Mitra

Title: Novel Human Proteins and Polynucleotides
Encoding the Same

Attorney Docket No.: LEX-0071-USA

**RESPONSE TO NOTICE TO COMPLY WITH
REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR
AMINO ACID SEQUENCE DISCLOSURES**

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures ("the Notice"), mailed March 27, 2002 in connection with the above-identified application, Applicants submit herewith: (i) a Sequence Listing in computer readable form pursuant to 37 C.F.R. § 1.821(e) which replaces the damaged diskette sent January 16, 2002; (ii) a Verified Statement Concerning Sequence Listing Under 37 C.F.R. § 1.821(f) and (iii) a replacement copy of sequence listing as originally submitted. Applicants respectfully request the entry of the computer readable form of the Sequence Listing into the file.

With regard to the statement on the Notice regarding Applicants alleged failure to provide an initial copy of the Sequence Listing as a separate part of the disclosure on paper copy, as required under 37 C.F.R. § 1.821(c), Applicants note for the record that a paper copy of the Sequence Listing was originally submitted with the application as filed on October 18, 2000, as evidenced by the return postcard received from the Patent and Trademark Office ("The Office"), a copy of which is included herewith. Applicants submit that the request for an original paper copy of the Sequence Listing was

made in error, or that the copy of the Sequence Listing as originally filed has been misplaced by the Office. Therefore, Applicants believe that an amendment, as requested in the Notice, is not necessary.

However, in order to attempt to comply with the Notice within the time period set for response, Applicants are submitting a replacement copy of the Sequence Listing, which was originally submitted with the application on October 18, 2000. The present document is a complete response to the Notice. Applicants believe that no fees are due in connection with this response. However, the Commissioner is authorized to charge any required fees to Deposit Account No. 50-0892. Should Examiner Mitra have any further questions concerning the present application, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

April 25, 2002
Date

Lance K. Ishimoto by Peter G. Seferian
Lance K. Ishimoto Reg. No. 41,866

LEXICON GENETICS INCORPORATED
(281) 863-3333



24231

PATENT TRADEMARK OFFICE

Box Patent Application

Express Mail No.: EL672756158US

Date Mailed 10-18-00

U.S. Appl. Ser. No.: to be assigned

Inventors: Denche, Turner, Nehls, Friedrich, Zambrowicz, Sands

Title: Novel Human Proteins & Polynucleotides
Encoding the Same

Attorney Docket No.: LEX-0071-USA

☒ Specification 25 pages total (23 pages spec; 1 claim page(s); 1 page Abstr

☒ Transmittal Letter (original and copy)

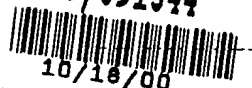
☐ Drawings (pages; number of drawings)

☒ Sequence Listing (7 pages)

Other: return postcard; unsigned Declaration; Small Entity Statement -
unexecuted

POSTED
10/30/00-dt


Jc917 U.S. PTO
09/691344

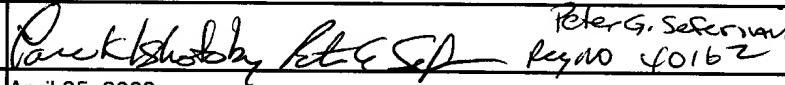


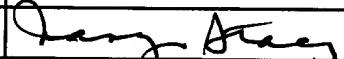


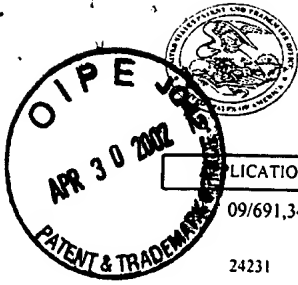
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/691,344
		Filing Date	10/18/00
		First Named Inventor	Donoho
		Group Art Unit	1653
		Examiner Name	R. Mitra
Total Number of Pages in This Submission	17	Attorney Docket Number	LEX-0071-USA

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Notice to Comply <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communications to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communications to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): return postcard Verified Statement and Sequence List on Diskette Copy of sequence listing (7 pages) Copy of original S/N postcard Copy of Notice to Comply
Remarks		 24231 PATENT TRADEMARK OFFICE

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Lance K. Ishimoto, Reg. No. 41,866 Lexicon Genetics Incorporated
Signature	 Peter G. Seferian Reg No 40162
Date	April 25, 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box Sequence, P.O. Box 2327, Arlington, VA 22202 on this date: April 25, 2002			
Typed or printed name	Nancy Stacey		
Signature		Date	April 25, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,344	10/18/2000	Gregory Donoho	LEX-0071-USA	3961

24231 7590 03/27/2002
LEXICON GENETICS INCORPORATED
8800 TECHNOLOGY FOREST PLACE
THE WOODLANDS, TX 77381-1160

NTC

EXAMINER	
MITRA, RITA	
ART UNIT	PAPER NUMBER

1653

DATE MAILED: 03/27/2002

due 4/27/02

6 mos 9/27/02

Please find below and/or attached an Office communication concerning this application or proceeding.

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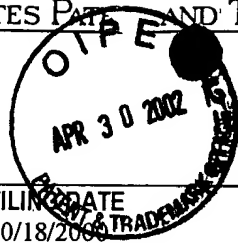
APR 11 2002

Per *tk*



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov



APPLICATION NO./ CONTROL NO. 09/691344	FILING DATE 10/18/2000	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION Gregory Donoho	ATTORNEY DOCKET NO. LEX-0071-USA
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EXAMINER

RITA MITRA

ART UNIT	PAPER
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1653

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DATE MAILED:

TECH CENTER 1001/2900

MAY 06 2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

The communication filed 01 February, 2002 is not fully responsive to the Office communication mailed 17 December, 2001 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner Rita Mitra, Art Unit 1653, whose telephone number is (703) 605-1211.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

A reply to a notice to comply with the sequence rules should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio
(<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)

2. Mailed to:
U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
Arlington, VA 22202

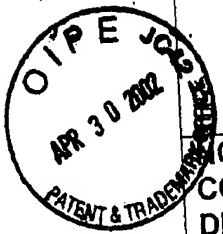
3. Mailed by Federal Express, United Parcel Service or other delivery service to:

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APR 01 2002
Per. *ML*

U. S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Box Sequence
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

4. Hand Carried directly to the Customer Window at:
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03, Box Sequence,
Arlington, Virginia 22202

Christopher S. F. Low
CHRISTOPHER S. F. LOW
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600



Notice to Comply

Application No.

09/691344

Examiner

Rita Mitra, Ph. D.

Applicant(s)

Donoho et al.

Art Unit

1653

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

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initials: 1600

CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/691,344
Filing Date: 10/18/2000
Date Processed by STIC: 2/15/2002

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

- ☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)
☐ Blank (no files on CRF) (see attached)
☐ Empty file (filename present, but no bytes in file) (see attached)
☐ Virus-infected. Virus name: _____ The STIC will not process the CRF.
☐ Not saved in ASCII text
☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.
☐ Did not contain a Sequence Listing. (see attached sample)
☐ Other: _____

**PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR ADDRESS:**

<http://www.uspto.gov/web/offices/pac/checker>

→ Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

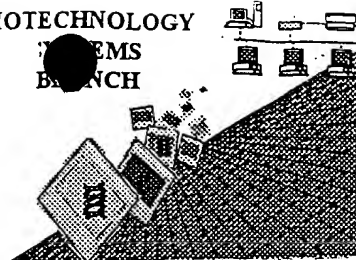
Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002

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